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May 19, 2000

To: Judicial Redistricting Subcommittee  
From: Susan Byorth Fox  
Re: Preliminary Information for Judicial Redistricting

Enclosed is a packet of information based on the preliminary 1999 caseload statistics provided to me by Pat Chenovick, State Court Administrator. (There have been slight changes in the data for final publication, but for our initial review, they are sufficient.) This information fulfills the basic requirements of the information required to be considered under House Bill No. 339 up to the point that a redistricting proposal is made. At that point, the law requires consideration of the impact on counties of any changed proposed in the districts. Additional information, such as the information suggested by Judge Warner or other information that the Subcommittee desires, is allowed to be considered by HB 339 but would require additional direction and time.

I have compiled the information in a table and have also provided some supporting data. This information would allow the Subcommittee to make a determination on whether the state's judicial districts should be redistricted as directed by HB 339. If the Subcommittee decides to proceed, various proposals could be developed for consideration by the Legislative Council's next meeting in September and could also be disseminated to contacts in the judiciary by then. The judges meet again in October and have set aside time for legislative issues that could be used to dialogue with the judges on any proposals.

I wanted you to have this information ahead of time so that you could familiarize yourself with it and formulate your questions. In the context of a discussion, the interrelationships between all of the information should become clearer. I believe a 2-hour timeframe would allow us to cover this packet and answer your questions. I will also have some options prepared for how the Subcommittee could proceed.

# PRELIMINARY 1999 DISTRICT COURT CASELOAD AND POPULATION STATISTICS

JD#	# OF JUDGES	COUNTY	1999 EST POP	POP CHANGE FROM '90 (%)	DISTRICT CASE LOAD DISPOSITIONS '97-'99 3-yr avg. per judge (3yr trend)	DISTRICT '99 CASE LOAD FILINGS avg. per judge	COUNTY '99 CASE LOAD FILINGS (difference from '98 totals)	COUNTY '99 CIVIL caseload filings	COUNTY '99 CRIM caseload filings	COUNTY '99 JUV caseload filings	COUNTY '99 FAM caseload filings	ALTS?
1	3	Broadwater	4,167	25.6	1224	1,312	209 (24)	106	41	14	48	
1		Lewis & Clark	54,075	13.9			3,727 (-133)	1,806	492	218	1,211	
2	2	Silver Bow	33,954	0.0	501ü	620	1,239 (97)	475	211	70	483	Y3
3	1	Deer Lodge	9,721	-6.1	727ü	711	396 (-122)	181	69	27	119	
3		Granite	2,662	4.5			85 (-7)	51	12	1	21	Y2
3		Powell	6,945	4.9			290 (-11)	137	73	25	55	
4	4	Mineral	3,867	16.7	1018	859	140 (-59)	60	25	10	45	
4		Missoula	89,344	13.5			3,206 (-249)	1,600	535	130	941	Y1
5	1	Beaverhead	8,790	4.3	680	680	241 (-47)	115	51	3	72	
5		Jefferson	10,367	30.6			253 (-15)	120	51	10	72	
5		Madison	6,927	15.7			186 (-30)	127	16	2	41	
6	1	Park	15,982	10.1	644	724	627 (25)	350	139	23	115	
6		Sweet Grass	3,584	13.6			97 (10)	60	21	3	13	
7	2	Dawson	8,670	-8.8	390	373	357 (-33)	155	75	22	105	Y2

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7		McCone	1,924	-15.5			35 (-17)	19	6	3	7	
7		Prairie	1,360	-1.7			21 (-16)	13	0	2	6	
7		Richland	10,053	-6.2			299 (16)	163	26	12	98	
7		Wibaux	1,117	-6.2			34 (-18)	20	6	0	8	
8	3	Cascade	78,282	0.8	1,388 <sup>1</sup>	1,116	3,348 (-105)	1,778	574	177	819	
9	1	Glacier	12,603	4.0	808	852	372 (29)	185	94	17	76	
9		Pondera	6,244	-2.9			189 (50)	101	27	15	46	
9		Teton	6,432	2.6			118 (-24)	52	8	5	53	
9		Toole	4,638	-8.1			173 (-6)	85	42	11	35	
10	1	Fergus	12,180	0.8	546	549	475 (-54)	218	93	25	139	
10		Judith Basin	2,284	0.1			56 (6)	38	6	2	10	
10		Petroleum	506	-2.5			18 (4)	18	0	0	0	N
11	2	Flathead	72,773	22.9	1,314 <sup>1</sup>	1,365 <sup>2</sup>	2,729 (9)	1,363	386	160	820	

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<sup>1</sup>For 1999, if the average number of case dispositions is calculated using the new 3rd judge (2000), the average would be 808.

<sup>2</sup> For 1999, if the average number of case filings is calculated using the new 3rd judge (2000), the average would be 910.

JD#	# OF JUDGES	COUNTY	1999 EST POP	POP CHANGE FROM '90 (%)	DISTRICT CASE LOAD DISPOSITIONS '97-'99 3-yr avg. per judge (3yr trend)	DISTRICT '99 CASE LOAD FILINGS avg. per judge	COUNTY '99 CASE LOAD FILINGS (difference from '98 totals)	COUNTY '99 CIVIL caseload filings	COUNTY '99 CRIM caseload filings	COUNTY '99 JUV caseload filings	COUNTY '99 FAM caseload filings	ALTS?
12	1	Chouteau	5,066	-7.1	841 <sup>ü</sup>	896	128 (-24)	80	13	1	34	
12		Hill	17,050	-3.4			735 (132)	305	171	69	190	Y4
12		Liberty	2,253	-1.8			33 (-11)	24	0	0	9	Y1
13	5	Yellowstone	127,258	12.2	1,304 <sup>ü³</sup>	1,388 <sup>4</sup>	6,092 (102)	2,248	1,218	525	1,952	N
14	1	Golden Valley	1,049	15.0	340 <sup>ü</sup>	356	20 (-4)	12	0	3	5	
14		Meagher	1,777	-2.3			68 (16)	21	36	7	4	Y3
14		Musselshell	4,552	10.9			174 (-24)	75	26	5	68	Y3
14		Wheatland	2,276	1.3			94 (-5)	57	19	0	18	
15	1	Daniels	1,963	-13.4	391	395	54 (-14)	32	2	2	18	Y1
15		Roosevelt	10,912	-0.8			193 (-18)	145	6	15	27	
15		Sheridan	4,100	-13.4			148 (4)	104	13	12	19	
16	2	Carter	1,454	-3.3	514 <sup>ü</sup>	475	26 (-7)	34	2	0	0	

<sup>3</sup> This average includes all four counties in District #13. A hypothetical calculation for new District #22 for the average caseload disposition for 1999 for the new judge (2001) would be 804, and the average caseload disposition for District #13 would be 1,229.

<sup>4</sup> This average includes all four counties in District #13. A hypothetical calculation for new District #22 for the average caseload filing for 1999 for the new judge (2001) would be 849, and the average caseload filing for District #13 would be 1,218.

JD#	# OF JUDGES	COUNTY	1999 EST POP	POP CHANGE FROM '90 (%)	DISTRICT CASE LOAD DISPOSITIONS '97-'99 3-yr avg. per judge (3yr trend)	DISTRICT '99 CASE LOAD FILINGS avg. per judge	COUNTY '99 CASE LOAD FILINGS (difference from '98 totals)	COUNTY '99 CIVIL caseload filings	COUNTY '99 CRIM caseload filings	COUNTY '99 JUV caseload filings	COUNTY '99 FAM caseload filings	ALTS?
16		Custer	11,837	1.2			468 (-44)	188	79	33	168	
16		Fallon	2,885	-7.0			89 (-22)	49	13	0	27	
16		Garfield	1,420	-10.6			26 (-12)	20	1	0	5	Y1
16		Powder River	1,777	-15.0			42 (-18)	27	2	0	13	
16		Rosebud	9,869	-6.1			264 (44)	115	46	13	90	
16		Treasure	859	-1.7			34 (-19)	18	10	3	3	
17	1	Blaine	7,074	5.1	541 <sup>5</sup>	503	159 (-20)	91	15	15	38	Y4
17		Phillips	4,692	-9.1			172 (10)	106	23	12	31	Y4
17		Valley	8,132	-1.3			172 (-45)	106	8	15	43	
18	2	Gallatin	63,881	26.5	714 <sup>5</sup>	933	1,865 (28)	893	317	86	569	
19	1	Lincoln	18,819	7.7	721 <sup>5</sup>	821	821 (-8)	347	145	78	251	
20	1 (+1 in 2001)	Lake	25,885	23.0	1,226 <sup>5</sup>	1,321 <sup>6</sup>	940 (47)	373	207	48	312	

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<sup>5</sup>For 1999, if the average number of case dispositions is calculated using the new 2nd judge (2001), the average would be 613.

<sup>6</sup>For 1999, if the average number of case filings is calculated using the new 2nd judge (2001), the average would be 661.

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20		Sanders	10,223	18.0			381 (27)	185	83	15	98	Y,I <sup>7</sup>
21	1	Ravalli	35,811	43.2	1,016 <sup>8</sup>	1,119	1,119 (-64)	549	183	86	301	
22/ 13	(1 in 2000)	Big Horn	12,573	10.9			356 (-9)	137	108	15	96	
22/ 13		Carbon	9,543	18.1			260 (15)	150	42	14	54	
22/ 13		Stillwater	8,328	27.4			233 (36)	128	50	7	48	
MT	37	56	882,779	10.5	910 <sup>10</sup> (33,667)	921 <sup>11</sup> (34,086)	34,086 (-583)	16,005 (47%)	5,917 (17%)	2,066 (6%)	10,098 (30%)	N= 15

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<sup>7</sup> Infrequently

<sup>8</sup> A hypothetical calculation for new District #22 for the average caseload disposition for 1999 for the new judge (2001) would be 804.

<sup>9</sup> A hypothetical calculation for new District #22 for the average caseload filing for 1999 for the new judge (2001) would be 849.

<sup>10</sup> If the three additional judges are calculated in the total, the average caseload disposition would be 842.

<sup>11</sup> If the three additional judges are calculated in the total, the average caseload filing would be 852.

## INFORMATION PACKET ON JUDICIAL REDISTRICTING

Prepared for the Subcommittee on Judicial Redistricting  
May 2000

### Notes for Table: Preliminary 1999 District Court Caseload and Population Statistics

**1** - Column 1 is the judicial district number, it corresponds with the numbers on the map entitled "State of Montana Judicial Districts" (Attachment 1).

**2** - The number of judges is in column 2.

**3** - Column 3 includes each county that is in a judicial district.

**4, 5** - Columns 4 and 5 include 1999 population estimates by county and the percentage population change from the 1990 census obtained from the U.S. Bureau of the Census (attachments 2, 3, and 4).

**6** - Column 6 includes a 3-year average of caseload dispositions per judge. A 3-year average is used here because the annual numbers are so variable that this average should present a more stable midpoint. In order to not lose trend data, any consistent 3-year trend is indicated by an up or down arrow. If no arrow is present, it means that the numbers fluctuated up and down over the 3 years. Attachment 5 includes the 1999 average number of case dispositions per judge in each judicial district and includes 1998 averages and the 1999 ranking. Attachment 6 includes the case dispositions by judicial district and county for 1999.

**7** - Column 7 includes 1999 district caseload filings calculated as an average per judge.

**8-12** - Columns 8 through 12 contain the 1999 caseload *filings by county* in both total and subtotals. Categories included as "civil" cases include civil, mentally ill/developmentally disabled, and probate cases. "Family" cases include adoption, paternity, guardianship/conservatorship, dependent/neglected children, and domestic relations. These are total numbers that include all of the cases that were filed in that calendar year. (Please note that column 6 is *disposition* data or cases that were closed in the *entire judicial district* divided by the number of *judges*. Column 7 is district filing data divided by the number of judges.) Not all cases filed in a calendar year are disposed of in the same calendar year. Attachment 7 includes the 1999 case filings by district.

**13** - Column 13 indicates whether a judicial district is employing some form of alternative to assist with caseload disposition. This information was

gathered through questions included in the District Court Questionnaire distributed by the Department of Revenue for the Court Funding and Structure Committee. This question asked about four specific alternatives and allowed a county to give other examples. Fifteen counties answered this question, and 13 of those counties used some form of alternatives. The alternatives that were mentioned in the question were: special masters (attorneys who are authorized by statute to try civil cases or to hear preliminary, nondispositive proceedings in criminal actions), judges pro tempore, alternative dispute resolution, mandatory settlement conferences, or other methods of reducing or mitigating judicial caseloads. The information in the table indicates whether any alternatives are used (yes or no) and how many alternatives were mentioned. The specific information and responses to an additional question on variables that should be taken into consideration is included in Attachment 8.

Attachment 9 is a list of the districts that lie outside a tolerance of plus or minus 25% deviation from average case dispositions per judge. At the 10% and 20% deviations, all but three districts are outliers.

Two additional attachments provide supplementary information. Attachment 10 contains information regarding mileage only for judges for whom vehicles are leased. Other travel mileage information would have to be gleaned from individual travel claims, and additional direction regarding the usefulness of that information is needed.

Attachment 11 includes the Supreme Court Justices and District Court Judges Service statistics. The information that will be of potential use for judicial redistricting purposes is the "next elect date" column, which indicates when each judge will be up for election. Twenty-eight District Court Judges are up for election in 2000 and any redistricting would need to accommodate a transition schedule that would not shorten the length of an elected judge's term. Related information on legal issues will be prepared.

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